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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,867	12/08/2003	Jan Folkmar	POLAA P110US	1177

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EXAMINER

BRITTAINE, JAMES R

ART UNIT	PAPER NUMBER
	3677

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/728,867	FOLKMAR, JAN
	Examiner James R. Brittain	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1,2 and 8-12 is/are rejected.
 7) Claim(s) 3-7 and 13 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 08 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Levine (US 4847956).

Levine (figures 1-5) teaches a clip for releasably closing bags and the like comprising in combination a pair of jaws elongated in an axial direction; hinge means disposed adjacent one axial of the jaws to permit relative rotation thereof between an open position and a closed condition wherein the jaws are mutually confronting substantially along their length; latch means comprising mutually engageable ratchet elements 17, 18 associated with the jaws adjacent the axial end thereof opposed to the hinge means for releasably latching the jaws in their closed position; the hinge means comprising a hinge pin 5 and bearings 16 therefor associated with the jaw: wherein the hinge means and the latch means is each adjustable so as to permit the clearance between the jaws when in their closed position to be varied. As to claim 8, the finger 3 has ratchet teeth thereon and narrows toward its free end as shown in figure 4.

Claim 11 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Payton (US 3040749).

Payton (figures 1-4) teaches a sealing clamp structure while disclosed for use on an umbilical cord is fully capable of being used on a bag or the like. It includes a pair of elongated

jaws with a latch at one end and a pair of apertured cheeks 4, 5 at the other end to receive a hinge blade therebetween. The hinge blade has an integral hinge pin 16 extending outwardly from each side and received in the apertures of the cheeks.

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Folkmar (US 2002/0133916).

Folkmar (figure 9) teaches a sealing clamp structure for a bag including a pair of elongated jaws with a latch at one end and a pair of apertured cheeks 240, 254 at the other end to receive a hinge blade therebetween. The hinge blade has an integral hinge pin 246 extending outwardly from each side and received in the apertures of the cheeks. As to claim 12, the gap in the apertures creates the enlargement of the apertures relative to the hinge pin to permit the hinge pin to be canted when forced into the apertured cheeks

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US 4847956) in view of Posse (US 3171184).

Levine (figures 1-5) teaches a clip for releasably closing bags and the like comprising in combination a pair of jaws elongated in an axial direction; hinge means disposed adjacent one axial of the jaws to permit relative rotation thereof between an open position and a closed condition wherein the jaws are mutually confronting substantially along their length; latch means

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comprising mutually engageable ratchet elements 17, 18 associated with the jaws adjacent the axial end thereof opposed to the hinge means for releasably latching the jaws in their closed position; the hinge means comprising a hinge pin 5 and bearings 16 therefor associated with the jaw: wherein the hinge means and the latch means is each adjustable so as to permit the clearance between the jaws when in their closed position to be varied. The finger 3 has ratchet teeth thereon. The difference is that the finger is pivoted and not flexible. It would have been obvious to modify the clip of Levine so that the finger 3 is flexible in view of Posse (figures 1, 2) teaching adjustable clip structure with the finger 3 being flexible so as to form a simpler structure with fewer pieces and thereby gain advantage by reducing assembly time.

Allowable Subject Matter

Claims 3-7 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Solomon et al. (US 5713108, figure 1) and Allen (US 5079806, figure 7) teach pertinent clip structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB